IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4614 OF 2004

Adil Ahmed Chandiwala & Ors. ..Applicants.

V/s.

Harish Sena Shetty & Ors. ..Respondents.

Monica Sakhrani for Applicants.
Shri V.M. Kamdi for Respondernts 1 & 2.
Shri R.Y. Mirza, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : 24.11.2004

PC :-

. Heard counsel for the parties.

2. Rule. Rule made returnable forthwith. By consent heard finally. Shri V.M. Kamdi waives notice of Respondents 1 and 2. Shri Mirza, APP waives notice for Respondent No.3 -State. As short question is involved, taken up for final disposal forthwith by consent.

3. By this petition, the Applicants are seeking that the criminal action instituted against the Applicants at the instance of Respondents Nos. 1 and 2 be quashed. It is now brought to my notice that the parties have amicably resolved all the disputes by

entering into consent terms in writing.

Counsel for Respondents 1 and 2 fairly accepts this position. He further states that Respondents 1 and 2 are not interested in pursuing the criminal action which is initiated against the Applicants, which is presently pending before the Metropolitan Magistrate, 37th Court, Mumbai being C.R. No. 401/PW/2004 in respect of C.R. No. 174/2004 filed with the Colaba Police Station. Taking over all view of the matter in the interest of justice, in my opinion, this is a fit case where inherent jurisdiction for quashing the criminal action pending against the Applicants, as referred to above, needs to be exercised. Accordingly, this application succeeds in terms of prayer clause (a).

4. Rule is made absolute in the above terms.

5. Ordered accordingly.

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